

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANNMARIE MALLOZZI, INDIVIDUALLY  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

VS.

INDUSTRIAL ENTERPRISES OF AMERICA,  
INC., JOHN MAZZUTO, JORGE YEPES,  
DENNIS O'NEILL, and JAMES MARGULIES,

## Defendants.

Case Number: 1:07-cv-10321 (GBD)

## ECF CASE

**NOTICE OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

PLEASE TAKE NOTICE THAT, pursuant to Rule 1.3(c) of the Local Rules of the

United States District Courts for the Southern and Eastern Districts of New York, I, TIFFANY

A BUXTON a member in good standing of the bar of this Court, hereby move for an Order

allowing the admission *pro hac vice* of the following attorneys:

Applicants' Names: Theodore J. Sawicki  
Robert R. Long  
Kerry K. Vatzakas

Firm Name: Alston & Bird LLP

Address: One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309-3424

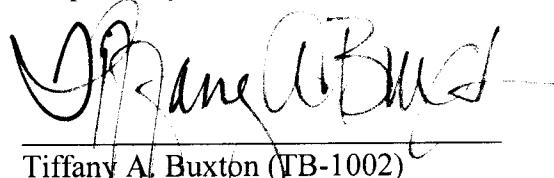
Telephone No.: 404-881-7000  
Facsimile: 404-881-7777

to act as counsel for Defendants Industrial Enterprises of America, Inc., Dennis O'Neill and James Margulies in this case.

There are no pending disciplinary proceedings against Theodore J. Sawicki, Robert R. Long, and Kerry K. Vatzakas in any State or Federal Court.

Dated: New York, New York  
June 10, 2008

Respectfully submitted,



Tiffany A. Buxton (TB-1002)  
ALSTON & BIRD LLP  
90 Park Avenue  
New York, New York 10016  
Tel: (212) 210-9400  
Fax: (212) 210-9444  
E-mail: [tiffany.buxton@alston.com](mailto:tiffany.buxton@alston.com)

*Attorneys for Defendants Industrial  
Enterprises of America, Inc., Dennis O'Neill  
and James Margulies*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANNMARIE MALLOZZI, INDIVIDUALLY  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

vs.

INDUSTRIAL ENTERPRISES OF AMERICA,  
INC., JOHN MAZZUTO, JORGE YEPES,  
DENNIS O'NEILL, and JAMES MARGULIES,

Defendants.

Case Number: 1:07-cv-10321 (GBD)  
ECF CASE

**DECLARATION OF  
TIFFANY A. BUXTON, ESQ.  
IN SUPPORT OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

TIFFANY A. BUXTON declares under the penalty of perjury as follows:

1. I am an attorney duly admitted to practice before, and a member in good standing of, the courts of the State of New York and this Court, and an associate of the firm of Alston & Bird LLP, attorneys for Defendants Industrial Enterprises of America, Inc., Dennis O'Neill and James Margulies ("Defendants").

2. I am familiar with the proceedings in this case, and make this statement based on my personal knowledge of the facts set forth herein and in support of Defendants' motion to admit Theodore J. Sawicki, Robert R. Long IV and Kerry K. Vatzakas as counsel *pro hac vice* to represent Defendants in this action.

3. As set forth in the Affidavit of Theodore J. Sawicki, a copy of which is attached hereto, Mr. Sawicki is a member of the firm of Alston & Bird LLP, One Atlantic Center, 1201 West Peachtree Street, Atlanta, GA 30309-3424. He is a member of good standing of the State Bars of Georgia and Florida. The original Certificates of Good Standing issued by the Supreme Courts of Georgia and Florida to Mr. Sawicki are attached to his affidavit as Exhibit A.

4. As set forth in the Affidavit of Robert R. Long IV, a copy of which is attached

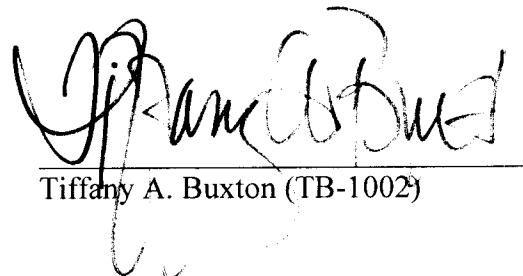
hereto, Mr. Long is an associate of the firm of Alston & Bird LLP, One Atlantic Center, 1201 West Peachtree Street, Atlanta, GA 30309-3424. He is a member of good standing of the State Bars of Georgia and California. The original Certificates of Good Standing issued by the State Bar of Georgia and the Supreme Court of California to Mr. Long are attached to his affidavit as Exhibit A.

5. As set forth in the Affidavit of Kerry K. Vatzakas, a copy of which is attached hereto, Ms. Vatzakas is an associate of the firm of Alston & Bird LLP, One Atlantic Center, 1201 West Peachtree Street, Atlanta, GA 30309-3424. She is a member of good standing of the State Bar of Georgia. The original Certificate of Good Standing issued by the Supreme Court of Georgia to Ms. Vatzakas is attached to her affidavit as Exhibit A.

6. I have been associated with Messrs. Sawicki and Long and Ms. Vatzakas since September 2005 and believe them to be skilled attorneys and persons of integrity. Messrs. Sawicki and Long and Ms. Vatzakas are experienced in Federal practice and familiar with the Federal Rules of Procedure.

7. Accordingly, it is respectfully requested that the application to admit Messrs. Sawicki and Long and Ms. Vatzakas *pro hac vice* be granted. A proposed Order is filed herewith.

Dated: New York, New York  
June 10, 2008



Tiffany A. Buxton (TB-1002)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANNMARIE MALLOZZI, INDIVIDUALLY  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

vs.

INDUSTRIAL ENTERPRISES OF AMERICA,  
INC., JOHN MAZZUTO, JORGE YEPES,  
DENNIS O'NEILL, and JAMES MARGULIES,

Defendants.

Case Number: 1:07-cv-10321 (GBD)  
ECF CASE

**AFFIDAVIT OF  
THEODORE J. SAWICKI  
IN SUPPORT OF MOTION FOR  
ADMISSION *PRO HAC VICE***

STATE OF GEORGIA        )  
                              ) ss:  
COUNTY OF FULTON        )

I, Theodore J. Sawicki, being duly sworn, depose and state:

1. I am a partner with the law firm of Alston & Bird LLP, located at One Atlantic Center, 1201 West Peachtree Street, Atlanta, Georgia 30309-3424. I act as counsel for Defendants Industrial Enterprises of America, Inc., Dennis O'Neill and James Margulies, and seek admission *pro hac vice* in this Court in order to represent the Defendants in the above-captioned action.

2. I am an attorney and active member in good standing of the bar of the States of Georgia and Florida. Certificates of the Supreme Courts of Georgia and Florida issued within the past thirty (30) days and stating that I am a member in good standing of the bars of Georgia and Florida respectively are attached hereto as Exhibit A.

3. I am a 1985 graduate of the Emory University School of Law.

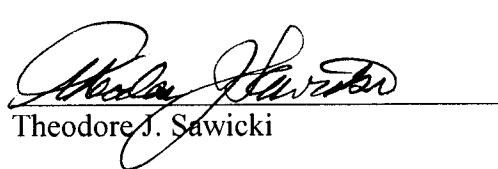
4. Associated and appearing with me in this action is Tiffany A. Buxton, Esquire, who is licensed in the practice of law in the State of New York and maintains an office at 90

Park Avenue, New York, New York 10016, and who is duly and regularly admitted to practice before the United States District Court for the Southern District of New York and the courts of the State of New York.

5. The States of Georgia and Florida accord comity and courtesy of practice to attorneys of other states.

6. I submit myself to all disciplinary procedures applicable to New York attorneys.

Dated: Atlanta, Georgia  
June 2, 2008

  
Theodore J. Sawicki

SUBSCRIBED AND SWORN TO before me this 2nd day of June, 2008

  
Notary Public

MY COMMISSION EXPIRES: Feb. 11, 2012





LEAH WARD SEARS, CHIEF JUSTICE  
CAROL W. HUNSTEIN, PRESIDING JUSTICE  
ROBERT BENHAM  
GEORGE H. CARLEY  
HUGH P. THOMPSON  
P. HARRIS HINES  
HAROLD D. MELTON  
JUSTICES

Supreme Court  
State of Georgia  
STATE JUDICIAL BUILDING  
Atlanta 30334

THERESA S. BARNES, CLERK  
JEAN RUSKELL, REPORTER

May 14, 2008

I hereby certify that Theodore J. Sawicki, Esq., was admitted on the tenth day of November, 1987, as a member of the bar of the Supreme Court of Georgia, the highest court of this State; and, since that date he has been and is now a member of this bar in good standing, as appears from the records and files in this office.

Witness my signature and the seal of this Court hereto  
affixed the day and year first above written.

*Therese Edson*  
Deputy Clerk, Supreme Court of Georgia

# Supreme Court of Florida

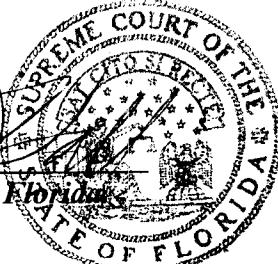
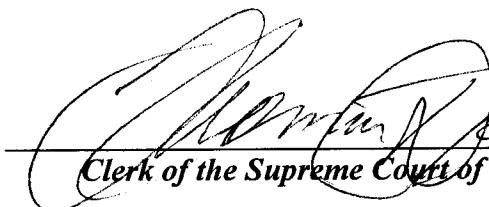
## Certificate of Good Standing

*I THOMAS D. HALL, Clerk of the Supreme Court of the State of Florida, do hereby certify that*

**THEODORE JOSEPH SAWICKI**

*was admitted as an attorney and counselor entitled to practice law in all the Courts of the State of Florida on May 22, 1987, is presently in good standing, and that the private and professional character of the attorney appear to be good.*

*WITNESS my hand and the Seal of the Supreme Court of Florida at Tallahassee, the Capital, this May 19, 2008.*



*Clerk of the Supreme Court of Florida*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANNMARIE MALLOZZI, INDIVIDUALLY  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

vs.

INDUSTRIAL ENTERPRISES OF AMERICA,  
INC., JOHN MAZZUTO, JORGE YEPES,  
DENNIS O'NEILL, and JAMES MARGULIES,

Defendants.

Case Number: 1:07-cv-10321 (GBD)

ECF CASE

**AFFIDAVIT OF ROBERT R. LONG IV,  
ESQ. IN SUPPORT OF MOTION FOR  
ADMISSION *PRO HAC VICE***

STATE OF GEORGIA        )  
                              ) ss:  
COUNTY OF FULTON        )

I, Robert R. Long IV, Esquire, being duly sworn, depose and state:

1. I am an associate with the law firm of Alston & Bird LLP, located at One Atlantic Center, 1201 West Peachtree Street, Atlanta, Georgia 30309-3424. I act as counsel for Defendants Industrial Enterprises of America, Inc., Dennis O'Neill and James Margulies, and seek admission *pro hac vice* in this Court in order to represent the Defendants in the above-captioned action.

2. I am an attorney and active member in good standing of the bar of the States of Georgia and California. Certificates of the State Bar of Georgia and the Supreme Court of California issued within the past thirty (30) days and stating that I am a member in good standing of the bars of Georgia and California respectively, are attached hereto as Exhibit A.

3. I am a 2000 graduate of the Stanford University School of Law.

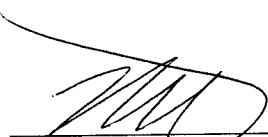
4. Associated and appearing with me in this action is Tiffany A. Buxton, Esquire, who is licensed in the practice of law in the State of New York and maintains an office at 90

Park Avenue, New York, New York 10016, and who is duly and regularly admitted to practice before the United States District Court for the Southern District of New York and the courts of the State of New York.

5. The States of Georgia and California accord comity and courtesy of practice to attorneys of other states.

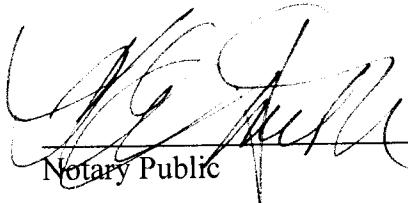
6. I submit myself to all disciplinary procedures applicable to New York attorneys.

Dated: Atlanta, Georgia  
June 24, 2008



\_\_\_\_\_  
Robert R. Long IV, Esquire

SUBSCRIBED AND SWORN TO before me this 9<sup>th</sup> day of June, 2008



\_\_\_\_\_  
Notary Public

MY COMMISSION EXPIRES:





# STATE BAR OF GEORGIA

*Lawyers Serving the Public and the Justice System*

Mr. Robert Richard Long IV  
Alston & Bird LLP  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309

**CURRENT STATUS:** Active Member-Good Standing  
**DATE OF ADMISSION:** 11/05/2004  
**BAR NUMBER:** 141546  
**TODAY'S DATE:** May 16, 2008

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.
- Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "good standing" as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.



## STATE BAR OF GEORGIA

Official Representative of the State Bar of Georgia

### HEADQUARTERS

104 Marietta Street, Suite 100  
Atlanta, Georgia 30303  
(404) 527-8700 ■ (800) 334-6865  
FAX (404) 527-8717  
[www.gabar.org](http://www.gabar.org)

### SOUTH GEORGIA

244 E. Second Street (Zip 31794)  
P.O. Box 1390  
Tifton, Georgia 31793-1390  
(229) 387-0446 ■ (800) 330-0446  
FAX (229) 382-7435



## Supreme Court of California

FREDERICK K. OHLRICH

*Clerk of the Court*

### CERTIFICATE OF THE CLERK OF THE SUPREME COURT OF THE STATE OF CALIFORNIA

#### ROBERT RICHARD LONG

*I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that ROBERT RICHARD LONG was on the 28TH day of MAY 2002 duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that his name now appears on the Roll of Attorneys as an inactive member of the bar of this state in good standing.*

*Witness my hand and the seal of the court,  
this 16th day of MAY, 2008.*

FREDERICK K. OHLRICH

*Clerk of the Supreme Court*

By Joseph Cornetta  
*Joseph Cornetta, Deputy Clerk*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANNMARIE MALLOZZI, INDIVIDUALLY  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

vs.

INDUSTRIAL ENTERPRISES OF AMERICA,  
INC., JOHN MAZZUTO, JORGE YEPES,  
DENNIS O'NEILL, and JAMES MARGULIES,

Defendants.

Case Number: 1:07-cv-10321 (GBD)  
ECF CASE

**AFFIDAVIT OF  
KERRY K. VATZAKAS, ESQ.  
IN SUPPORT OF MOTION FOR  
ADMISSION *PRO HAC VICE***

STATE OF GEORGIA        )  
                              ) ss:  
COUNTY OF FULTON        )

I, Kerry K. Vatzakas, Esquire, being duly sworn, depose and state:

1. I am an associate with the law firm of Alston & Bird LLP, located at One Atlantic Center, 1201 West Peachtree Street, Atlanta, Georgia 30309-3424. I act as counsel for Defendants Industrial Enterprises of America, Inc., Dennis O'Neill and James Margulies, and seek admission *pro hac vice* in this Court in order to represent the Defendants in the above-captioned action.

2. I am an attorney and active member in good standing of the bar of the State of Georgia. A Certificate of the Supreme Court of Georgia issued within the past thirty (30) days and stating that I am a member in good standing of the bar of Georgia is attached hereto as Exhibit A.

3. I am a 2004 graduate of the University of Georgia School of Law.

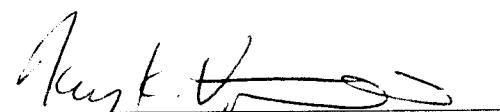
4. Associated and appearing with me in this action is Tiffany A. Buxton, Esquire, who is licensed in the practice of law in the State of New York and maintains an office at 90

Park Avenue, New York, New York 10016, and who is duly and regularly admitted to practice before the United States District Court for the Southern District of New York and the courts of the State of New York.

5. The State of Georgia accords comity and courtesy of practice to attorneys of other states.

6. I submit myself to all disciplinary procedures applicable to New York attorneys.

Dated: Atlanta, Georgia  
June 2, 2008

  
\_\_\_\_\_  
Kerry K. Vatzakas, Esquire

SUBSCRIBED AND SWORN TO before me this 2<sup>nd</sup> day of June, 2008

  
\_\_\_\_\_  
Notary Public

MY COMMISSION EXPIRES:





LEAH WARD SEARS, CHIEF JUSTICE  
CAROL W. HUNSTEIN, PRESIDING JUSTICE  
ROBERT BENHAM  
GEORGE H. CARLEY  
HUGH P. THOMPSON  
P. HARRIS HINES  
HAROLD D. MELTON  
JUSTICES

Supreme Court  
State of Georgia  
STATE JUDICIAL BUILDING  
Atlanta 30334

THERESA S. BARNES, CLERK  
JEAN RUSKELL, REPORTER

May 14, 2008

I hereby certify that Kerry Kirkland Vatzakas, Esq., was admitted on the 26<sup>th</sup> day of May, 2005, as a member of the bar of the Supreme Court of Georgia, the highest court of this State; and, since that date she has been and is now a member of this bar in good standing, as appears from the records and files in this office.

Witness my signature and the seal of this Court hereto  
affixed the day and year first above written.

*Janette Edson*  
Deputy Clerk, Supreme Court of Georgia



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANNMARIE MALLOZZI, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS SIMILARLY  
SITUATED,

Case Number: 1:07-cv-10321 (GBD)

Plaintiff,

1

INDUSTRIAL ENTERPRISES OF AMERICA, INC.,  
JOHN MAZZUTO, JORGE YEPES, DENNIS  
O'NEILL, and JAMES MARGULIES,

## Defendants.

## AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
COUNTY OF NEW YORK )  
ss:

Louis Costanzo, being duly sworn, deposes and says: that she is over the age of eighteen years, that she is employed in the office of Alston & Bird LLP, attorneys for Defendants Industrial Enterprises of America, Inc., Dennis O'Neill and James Margulies; That on the 10th day of June, 2008, he caused to be served via United States First Class Mail the within Notice of Motion to Admit Counsel *Pro Hac Vice* with Supporting Declaration of Tiffany A. Buxton, and supporting Affidavits of Theodore J. Sawicki, Robert J. Long and Kerry K. Vatzakas and Proposed order upon the following:

Gregory Mark Nespole, Esq.  
Wolf Haldenstein Adler Freeman & Herz LLP  
270 Madison Avenue  
New York, NY 10017  
*Attorneys for Lead Plaintiff  
The Goldenberg Group*

Laurence Matthew Rosen, Esq.  
Phillip C. Kim, Esq.  
The Rosen Law Firm, P.A.  
350 5th Avenue, Suite 5508  
New York, NY 10118  
*Attorneys for Lead Plaintiff Carl Meisner  
and Plaintiff Annmarie Mallozzi*

William Francis Dahill, Esq.  
Wollmuth Maher & Deutsch LLP  
500 Fifth Avenue  
New York, NY 10110  
*Attorneys for Defendant Jorge Yepes*



Louis Costanzo

Sworn to before me  
this 10th day of June, 2008.

Michael J. Malloy  
Notary Public

**MICHAEL J. MALLOY**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**NO. 41-4914497**  
**QUALIFIED IN NEW YORK COUNTY**  
**COMMISSION EXPIRES JANUARY 27, 2010**

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANNMARIE MALLOZZI, INDIVIDUALLY  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

vs.

INDUSTRIAL ENTERPRISES OF AMERICA,  
INC., JOHN MAZZUTO, JORGE YEPES,  
DENNIS O'NEILL, and JAMES MARGULIES,

Defendants.

Case Number: 1:07-cv-10321 (GBD)  
ECF CASE

**ORDER FOR ADMISSION *PRO HAC  
VICE* ON WRITTEN MOTION**

Upon the motion of TIFFANY A. BUXTON, attorney for Defendants Industrial Enterprises of America, Inc., Dennis O'Neill and James Margulies, and said sponsor attorney's declaration in support,

IT IS HEREBY ORDERED that Theodore J. Sawicki, Robert R. Long IV, and Kerry K. Vatzakas, of Alston & Bird LLP, located at One Atlantic Center, 1201 West Peachtree Street, Atlanta, Georgia 30309-3424, are admitted to practice *pro hac vice* as counsel for Defendants Industrial Enterprises of America, Inc., Dennis O'Neill and James Margulies in the above-captioned action in the United States District Court for the Southern District of New York.

All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing disciplining of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, said counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov).

This Order confirms Theodore J Sawicki's, Robert R. Long IV's, and Kerry K. Vatzakas' appearance as counsel in this case, and the appearances will be entered on the Court's docket. A notation of the admissions *pro hac vice* for this case will be made on the roll of attorneys and

counsel shall forward the *pro hac vice* fee to the Clerk of Court.

The attorneys admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

ORDERED this    June, 2008

---

United States District Judge